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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/883,729 | 06/18/2001 | Oliver Rottcher | 01-376 | 2466 |

7590 03/30/2006

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| EXAMINER |
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CRUZ, MAGDA

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| ART UNIT | PAPER NUMBER |
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2851

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

09/883,729

Applicant(s)

ROTTCHER, OLIVER

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 46 and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by White.

White (US Patent Number 2,221,889) discloses:

- Regarding claim 46, a wall mirror comprising a reflective surface (see Figure 2, portion where the image is reflected), a non-reflective portion provided within the reflective surface as an information provider (i.e. indicia, Figure 2), wherein at least a portion of the mirror is transparent for seeing therethrough (page 3, column 1, line 32) and is backed by a display provided with a moving image (i.e. animated image; page 1, column 1, line 18), whereby the display is provided with an interchangeable item of information (i.e. multiple images; page 1, column 1, lines 31-34), and a flat frame structure including a frame (Figure 4, element 35), wherein the display is mounted in the frame for attachment to a wall (page 3, column 2, lines 10-11).

- Regarding claim 51, the mirror (Figure 4, element 1) is part of a mirror insert (Figure 4, element 34), which is within the frame (Figure 4, element 35), forming a mirror interior (page 3, column 2, lines 11-15).
- Regarding claim 52, the mirror (Figure 4, element 1) is part of a mirror attachment (Figure 4, element 29), which is fitted onto the frame (Figure 4, element 35) to form the mirror interior (page 3, column 2, lines 13-15).
- Regarding claim 53, the display (Figure 4, element 39) is secured to the frame by strut means (i.e. support members; Figure 4, element 37).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 47, 50 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Meine.

White (US Patent Number 2,221,889) teaches the salient features of the present invention as explained above (see rejection under §102(b)) except (regarding claim 47) the display employs one of TFT and plasmas technologies; (regarding claim 50) the display is connected to an external input device; (regarding claim 55) including a radio receiver module for the image data; and (regarding claim 56) an integrated infra-red remote operating means for volume control.

Meine (US Patent Number 6,560,027 B2) discloses:

- Regarding claim 47, the display (i.e. smart mirror display) employs one of TFT and plasmas technologies (column 3, lines 57-58).
- Regarding claim 50, the display is connected to an external input device (column 3, lines 40-42).
- Regarding claim 55, including a radio receiver module for the image data (i.e. TV signal; column 3, lines 30-31).
- Regarding claim 56, an integrated infrared remote operating means for volume control (column 3, lines 34-36 and column 4, line 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the display, radio receiver module and remote operating means disclosed by Meine in substitution of the display from White's invention, for the purpose of having an information display panel and a mirror to form a smart mirror where the person can review electronic news and information (Meine, column 1, lines 31-33 and 37-38).

5. Claims 48-49 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Hsieh.

White (US Patent Number 2,221,889) teaches the salient features of the present invention as explained above (see rejection under §102(b)) except (regarding claim 48) at least one loudspeaker is connected to an input device; (regarding claim 49) at least one loudspeaker is connected to an input device; and (regarding claim 54) the loudspeaker is associated with a perforated region of the frame.

Hsieh (US Patent Number 5,123,192) discloses:

- Regarding claim 48, at least one loudspeaker (Figure 1, element 6) is connected to the display (Figure 1, element 10).
- Regarding claim 49, at least one loudspeaker (Figure 1, element 6) is connected to an input device (Figure 1, element 71).
- Regarding claim 54, the loudspeaker (Figure 1, element 6) is associated with a perforated region of the frame (i.e. region where the speaker is located; see Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect a speaker as part a display as shown by Hsieh, in combination with the mirror system from White's invention, for the purpose sending out signals of an audio player (Hsieh, column 1, line 57).

Response to Arguments

6. Applicant's arguments filed on 01/17/2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Magda Cruz
Patent Examiner

March 22, 2006



William Perkey
Primary Examiner